



United States Department of Justice

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Northern District of New York*

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April 10, 2017

Courtenay McKeon, Esq.
Office of the Public Defender
The Clinton Exchange, 3rd Floor
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[VIA FEDERAL EXPRESS]

Kimberly M. Zimmer, Esq.
Zimmer Law Office PLLC
The University Building
120 E. Washington Street, Suite 815
Syracuse, New York 13202

Re: United States v. Justin Crandall & Jessica Crandall, [3:17-CR-63 (TJM)]

Dear Counselors:

This letter memorializes and confirms copies of discovery materials which are hereby being provided to you in connection to this case. The discovery materials are contained on 1 CD/DVD and are hereby being sent via Federal Express. Please be advised that all the items, evidence, photographs/images, videos, audios, recordings, information, reports, materials, statements and things identified and discussed on the CDs/DVDs as well as below will be offered into evidence at the trial.

Enclosed you will find the following materials, among others:

1. Video/audio of interviews of Both defendants by law enforcement.
2. Criminal history reports/rap sheets of Both defendants.
3. Verizon records and spreadsheets.
4. Text messages.
5. Several dozen photographs.
6. Law enforcement arrest reports and notes.

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7. Miranda waiver forms/reports; consent forms.
8. Federal and State Search warrants, affidavits, applications, and attachments to search warrants.
9. Inventory to search warrants and items seized from search warrants; property receipts.
10. Orders of protection.
11. Search warrants photo logs; diagrams; and other reports regarding search warrants.
12. NYSP FIU report.
13. Forensic reports; Cellebrite reports & results; and other reports of forensic examination.
14. Google data.
15. FBI 302 reports.
16. FBI notes.
17. Other reports and documents.

Please be advised that both defendants made statements to law enforcement during the course of this investigation. The government intends to offer into evidence at trial all such confessions and statements made by both defendants to law enforcement. Defendants' confessions and statements to law enforcement are contained on this CD/DVD.

Physical evidence was obtained from the analysis and review of cell phones; digital devices; and other digital storage devices. Evidence was also obtained via search warrants. Additionally, evidence was also obtained from cooperating witnesses. All the physical evidence and items can be reviewed at our office. All such evidence will be offered into evidence at trial.

Please note that child pornography images and videos, as well as images of minors, cannot and will not be copied but can all be viewed at our office [Title 18, U.S.C., Section 3509(m)]. We are in possession of child pornography images and videos, as well as images of minors, that can be viewed by calling me to make arrangements to do so. These images and videos were recovered from cell phones, digital storage devices, and elsewhere. All such items will be offered into evidence at trial.

The law enforcement agencies are in possession of cell phones, digital storage devices, and other physical evidence. All of those items can be viewed at our office. The items themselves will also be introduced into evidence at trial.

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Cell phones and digital storage devices were examined using software. The results can be viewed at our office. Due to the nature of the results, that is, child pornography, images of minor children, and otherwise private data, the materials can be viewed at our office.

The government is not aware of any Brady material in this case at this time and we recognize our continuing duty to provide any such material in the future should it come to our attention. Giglio material, if any exists, as to any witness that will be called to testify by the government at trial will be disclosed prior to trial as called for by the Criminal Pre-Trial Order and by existing Second Circuit case law.

Jencks Act and 18 U.S.C. 3500 materials, as to witnesses we intend to call at trial, will be provided prior to the commencement of the trial. Some 3500 materials are already included on this DVD.

Please be advised that at trial the government will be calling a number of expert witnesses. One or more computer forensic specialists from the FBI, and/or other law enforcement will be called to testify as to the examination and review of cell phones and digital storage devices. One or more computer forensic experts will be called to testify at trial regarding the analysis and review of these items and related materials; what was found on all these items; how the analysis and review was conducted; what was located on these items; and how it came to be stored and possessed on these items.

404(b) notice: As 404(b) materials are uncovered or identified, we will provide notice.

Pursuant to the Criminal Pre-Trial Order issued in this case and Rules 16 and 12 of the Federal Rules of Criminal Procedure, the government hereby requests reciprocal discovery from defendants. Also, pursuant to Rule 12.1 of the Federal Rules of Criminal Procedure, the government requests any and all alibi notice as required by the federal rules. Finally, pursuant to the rules, we request notice of any expert witness that the defense intends to call at trial whether it pertains to the guilt phase or the sentencing phase.

Sincerely,

RICHARD S. HARTUNIAN
United States Attorney

Miroslav Lovric
Assistant U.S. Attorney

cc: United States District Court, ECF

CERTIFICATE OF SERVICE FOR ELECTRONIC CASE FILING SYSTEM

I hereby certify that on April 10, 2017, I electronically filed with the NDNY Clerk of the District Court using the CM/ECF system the above-referenced document(s) in connection with the above-referenced case. The CM/ECF system automatically sent electronic notifications of such filing to the attorneys of record in this case, as maintained by the District Court Clerk's Office, AND who are properly registered in the CM/ECF system for the NDNY as required pursuant to NDNY General Order #22. As for any attorney of record in this case who is not registered in the CM/ECF system for the NDNY, the government has caused to be mailed or faxed to that attorney either the actual CM/ECF electronic notification/e-mail as received from the CM/ECF system by the government and/or the actual documents being filed. Therefore, the non-registered attorney(s) will receive the same electronic ECF notice with the same information as will the attorney(s) who is/are registered in the CM/ECF system.

Miroslav Lovric

Assistant U.S. Attorney